

JICARILLA APACHE INDIAN RESERVATION.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior relative to certain improvements in the Jicarilla Apache Indian Reservation in New Mexico.

JUNE 28, 1882.—Referred to the Committee on Appropriations and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 22d instant, with accompanying papers, submitting the draft of a proposed clause for insertion in one of the pending appropriation bills to provide for the payment for improvements made by certain settlers on the Jicarilla Apache Indian Reservation in New Mexico.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
June 28, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, June 22, 1882.

SIR: I have the honor to submit herewith a copy of report, dated the 21st instant, from the Commissioner of Indian Affairs, recommending an appropriation in the sum of \$2,400 for the payment of certain citizens of the Territory of New Mexico for improvements on lands reserved for Indian purposes, under Executive order dated September 21, 1880.

An estimate of appropriation for the purpose indicated is herewith inclosed, together with the inclosures noted in the report of the Commissioner; and, the matter having the approval of the department, I respectfully recommend that it be laid before Congress for the consideration and action of that body.

I have the honor to be, sir, very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

For this amount, or so much thereof as may be necessary, to pay for improvements made by certain settlers on the Jicarilla Indian Reservation in the Territory of New Mexico prior to the date of the Executive order of September 21, 1880, settling apart said reservation for Indian purposes, and the value of which has been ascertained under the direction of the Commissioner of Indian Affairs, \$2,400, being the amount required to pay the following-named claimants, viz:

José Bernardino Lobato	\$100 00
Francisco A. Gomez	1,000 00
Manuel G. Gomez	100 00
José Enfinio Gomez	100 00
Lino Gomez	100 00
Pourciano Gomez	300 00
Maria de Jesus Martinez	100 00
Antonio Martinez	100 00
Juan Garcia	100 00
Pedro Martinez	100 00
Ramon Gallegos	100 00
Domingo Gallegos	100 00
Juan Andres Quintand	100 00

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 21, 1882.

SIR: I have the honor to invite your attention to that portion of Special Agent E. B. Townsend's report of October 16 last, wherein he refers to certain squatters who are on the Jicarilla Reservation, and who had settled there and made improvements thereon prior to the date of the Executive order setting it apart for Indian purposes, and recommending that said parties be paid the value of the actual improvements made.

By Executive order of September 21, 1880, certain lands in New Mexico were set apart as a reservation for the Jicarilla Apache Indians. It was found at the time that the selection of a reservation for these Indians was under consideration that some few Mexicans had settled within the limits of the proposed reservation and had made certain improvements thereon by the erection of buildings, &c. It was also ascertained that the land had never been surveyed and no filings made for any portion of the proposed reservation prior to the date of the Executive order aforesaid, and consequently no legal steps could have been taken by these Mexicans or any one else to secure title to any portion of this land as against the United States. The only possible right that might inure to them by virtue of their settlement and improvement would be an equitable one to compensation for the improvements made by them on this land. This office, however, having no authority to consider the matter of compensation for improvements made on the reservation without Congressional action on the subject, I deemed it advisable, as a preliminary step, before bringing the matter to your attention, to have an investigation made and ascertain the name and number of the settlers and the nature and value of the improvements which were made within the limits of the reservation. Accordingly, in office letter of August 1 last, E. B. Townsend, special agent, was instructed, in connection with his investigation of other matters at the Jicarilla Reservation, to "ascertain as near as may be, the number of settlers now occupying the reservation and the character and value of their improvements." Pending the investigation, those settlers whose improvements fell within the limits of the reservation as established by said Executive order, that is, those who were residing there at the time,

were allowed to remain temporarily until such time as their claims could be investigated, with the distinct understanding that no further improvements were to be made, and no advantage taken of the privilege, and that said authority was not to be construed as a recognition of their claims.

Under date of October 16 last, Agent Townsend made his report to this office, and in connection with the subject of the settlers on the Jicarilla Reservation he incloses a joint communication from B. M. Thomas, United States Indian agent, and himself (copy in duplicate herewith inclosed, marked Exhibit A), giving a list of squatters who were upon this land prior to the date of the Executive order setting it apart as a reservation.

This list furnishes the names of thirteen settlers on the reservation, with the assessed value of their respective improvements set opposite each name, aggregating the sum of \$2,400, as follows:

José Bernardino Lobato	\$100
Francisco A. Gomez	1,000
Manuel G. Gomez	100
José Enfinio Gomez	100
Lino Gomez	100
Pourciano Gomez	300
Maria de Jesus Martinez	100
Antonio Martinez	100
Juan Garcia	100
Pedro Martinez	100
Ramon Gallegos	100
Domingo Gallegos	100
Juan Andres Quintand	100
Total	2,400

Agent Townsend strongly recommends that payment be made to these claimants in accordance with this estimate, and in this connection he refers to a copy of a letter from Acting Governor Ritch of New Mexico, of July 29, 1881 (copy in duplicate herewith, marked Exhibit B), wherein it is claimed that great damage and loss will result to these settlers if compelled to abandon their squatters' rights, unless they are paid for their improvements, &c.

Agent Townsend further suggests that if these claimants are paid as stated, it would have a tendency to remove all prejudice and opposition against the occupancy of this land for Indian purposes, both on the part of settlers and the authorities of New Mexico.

In this connection, I also invite your attention to that portion of a former report of Agent Townsend, made at the time that the selection of this reservation was under consideration, dated August 13, 1880 (copy in duplicate inclosed herewith, marked Exhibit C), relative to the improvements made by one Francisco Gomez, and other settlers on the reservation, and recommending that said improvements be purchased by the department, for the reason that—

The location of the first mentioned (Francisco Gomez), and the buildings he has erected, would be *very suitable* for agency purposes, being within two miles of one of the principal roads through the country and within four or five of the railroad route. These buildings are of a better class and of more value than any others found, and if the tract in question is selected for a reservation, I would recommend that this man be bought out, and the agency be established at this point. I would also recommend that the few others found living within the limits described be paid for their improvements or legal claims, if possessed of any, and thus secure exclusive control of the land and an abundant supply of water. This would not cost very much, and I think might be more economical than building agency quarters or quarreling with the squatters.

The fact that the aforesaid settlers have never been paid for their improvements will necessarily be a cause of continued trouble and confusion upon the reservation, until some provision be made for their payment, and were such provision made, I am inclined to believe that the several claimants would quietly and peaceably remove from the reservation.

Should Congress make the necessary appropriations for the payment of these improvements, those of Gomez, as suggested by Agent Townsend, can be used for agency purposes, and those of the other parties can be used by the Indians, and thus saving the expense of making new improvements for those purposes.

In view of the facts I have the honor to recommend that Congress be requested to make an appropriation of \$2,400 to pay the several claimants as hereinbefore specified.

I submit herewith, for the purpose indicated, a clause in duplicate, to be inserted in one of the appropriation bills now pending in Congress, with the hope that favorable action will be taken in the matter at the present session.

A copy in duplicate, of that portion of Agent Townsend's report of October 16 last, that refers directly to this subject is herewith inclosed, marked L, 18159—1881.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

Hon. the SECRETARY OF THE INTERIOR.

EXHIBIT A.

PUEBLO INDIAN AGENCY,
Santa Fé, N. Mex., September 15, 1881.

SIR: The following is a list of the names of settlers on the Jicarilla Apache Reservation who protested to Acting Governor Ritch against being removed; also my estimate of the value of the improvements of each person.

W. Lamb, improvements made after the reservation was set apart:

José Marcelino Archuleta, not on reservation	\$—
José Bernardino Lobato	100
Francisco A. Gomez	1,000
Manuel G. Gomez	100
José Eufenio Gomez	100
Lino Gomez	100
Ponciano Gomez	300
Maxia de Jesus Martinez	100
Antonio Martinez	100
Juan Garcia	100
Pedro Martinez	100
Ramon Gallegos	100
Domingo Gallegos	100
Juan Andres Quintard	100
Total	2,400

Very respectfully,

BEN. M. THOMAS,
United States Indian Agent.

Col. E. B. TOWNSEND,
Special United States Indian Agent, Santa Fé, N. Mex.

EXHIBIT B.

TERRITORY OF NEW MEXICO, EXECUTIVE DEPARTMENT,
Santa Fé, N. Mex., July 29, 1881.

SIR: The Jicarilla Apache Indian Reservation is located in this Territory, covering a portion of the valley of Rio Navajo, and adjoins the State of Colorado.

Upon the Rio Navajo chiefly, and upon the reservation, are considerable settlements of industrious people, some of whom were settled there prior to the establishment of the reservation.

Complaints have been made to this office from said settlers (two of which complaints in writing herewith inclosed) of their being ordered by your department to leave the reservation on or before the 1st day of August next, and that if said order is enforced it will involve the abandonment by the settlers and their families—most of whom are poor—of their homes and improvements, their crops and their business, and that great hardship and injustice would be the result, and therefore pray for relief.

In this connection, I desire to call attention to the fact that the Denver and Rio Grande Railroad has been built across said reservation, and has located a station (Almagre) thereon; and that the consequent clamoring and aggressiveness of settlers for locations upon said reservation are following in considerable force. It therefore occurs to me, as a practical question, based upon similar experience in the past, that some other reservation should be selected for these Indians, where the objections apparent do not exist, and are not likely to exist; and that the reservation be opened, not only to those upon the ground but to those coming and to come.

As a further reason why the said reservation should be opened, I take the liberty of calling your attention to the fact that the Indians never have been placed upon, nor have they ever occupied said reservation, consequently no domestic attachments stand in the way; that the Indians generally range, and are to be found at and near towns in the vicinity where liquor is sold and other demoralizing influences exist. The keeping and maintaining of Indians among or near settlements with satisfaction or benefit to either Indian or settler is not possible; but, to the contrary, trouble, dissensions, bloodshed, and war logically follow.

If I may be permitted to suggest another reservation, I would say locate in the Indian Territory. Here, if anywhere, there is hope for a permanence that is not possible in a mining or other country adjacent to settlements of citizens. The Indian Territory, as you are no doubt aware, is essentially agricultural, is infinitely better adapted to them; and having been especially set apart for the Indian, here can best be secured the bettering of their condition and a permanent home.

Therefore, on behalf of this Territory, and its people, I respectfully request that said Jicarilla Apache Reservation be opened to settlements, and that this tribe of Indians be removed from the section they now occupy to one that will not be detrimental to the public interest, and that will be beneficial to the said Indians.

In any event, I would specially and urgently request, as due to those of the settlers who had acquired a possessory right to their farms and homes by erecting dwellings, acequias, and other improvements thereon, prior to the establishment of the reservation, that said settlers either be allowed to remain where they are, or that they be compensated for their improvements and the expense they will necessarily be subjected to if required to remove.

The facts in regard to these prior settlements, as I am assured by Dr. B. M. Thomas, the agent, appear in the reports on file in your department, made by him at the time the reservation was set apart; and that all persons having growing crops in the ground, be allowed a reasonable time in which to harvest the same, before enforcing the order before referred to.

I have the honor to be, very respectfully, your obedient servant,

W. G. RITCH,

Acting Governor, Territory of New Mexico.

Hon. S. J. KIRKWOOD,
Secretary of the Interior, Washington, D. C.

EXHIBIT C.

UNITED STATES INDIAN SERVICE,
 PUEBLO INDIAN AGENCY,
Santa Fé, N. Mex., August 13, 1880.

SIR:

The lands most suitable for cultivation extend along the Navajo, 6 or 7 miles west from the point where this river enters New Mexico from Colorado. Farther down the

H. Ex. 220—2

river enters a deep cañon. In this bottom, and at or near the point where the river flows into New Mexico, we found a man by the name of Francisco Gomez, living in comfortable adobe buildings, raising good corn, wheat, and oats, and improving the land by fencing and irrigating ditches. Again, at a point about 7 miles south of the Navajo, where we camped for the night, and where the springs before referred to are found, a man by the name of Pedro Gomez lives, but he has no crops growing and very few improvements. There are one or two other Mexicans located within the limits of the proposed reservation, but I am unable to ascertain whether they have acquired legal rights there or are only squatters. The location of the first mentioned (Francisco Gomez), and the buildings he has erected, would be very suitable for agency purposes, being within two miles of one of the principal roads through the country and within four or five of the railroad routes. These buildings are of a better class and of more value than any others found, and if the tract in question is selected for a reservation I would recommend that this man be bought out and the agency be established at this point. I would also recommend that the few others found living within the limits described be paid for their improvements or legal claims, if possessed of any, and thus secure exclusive control of the land and an abundant supply of water. This would not cost very much, and I think might be more economical than building agency quarters or quarreling with these squatters.

All of which is respectfully submitted.

E. B. TOWNSEND,
Special Indian Agent.

Hon. R. E. TROWBRIDGE,
Commissioner Indian Affairs.

L, 18159—1881.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 16, 1881.

SIR:

I inclose herewith a joint communication from Agent Thomas and myself (Exhibit A), giving a list of squatters who were upon this land prior to the date of Executive order setting it apart as a reservation, and join in the recommendation that the sums set opposite their names be allowed in compensation, *not* for any possessory rights (see letter from register land office, Santa Fé, August 23, 1880, T. 1127, 1880) which they may claim to have acquired, but for improvements actually made for fences, buildings, &c. In this connection, I refer to copy of letter from Acting Governor Ritch, of New Mexico, July 29, 1881, Exhibit B, wherein it is claimed great damage and loss will result to these settlers if compelled to abandon their squatter rights, and beg to say that, in my opinion, they should receive equitable compensation for their improvements which can be made available for the benefit of the Indians. For this, I earnestly recommend the favorable consideration of the department as simple justice, and that all prejudice and opposition against the occupancy of this land as an Indian reservation, both on the part of settlers and the authorities of New Mexico, shall be removed.

Very respectfully,

E. B. TOWNSEND,
Special Agent.

Hon. H. PRICE,
Commissioner Indian Affairs.

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